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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/681,432   | 10/08/2003  | Kerry L. Mickler     | KELM-02US           | 7139             |
| 26875  | 7590        | 08/23/2005           | EXAMINER            |                  |
| WOOD, HERRON & EVANS, LLP<br>2700 CAREW TOWER<br>441 VINE STREET<br>CINCINNATI, OH 45202 |             |                      |                     | WALK, SAMUEL J   |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
|  |             |                      |                     | 2632             |

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/681,432             | MICKLER, KERRY L.   |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Samuel J. Walk         | 2632                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## StatuS

1)  Responsive to communication(s) filed on 08 October 2003.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-21 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 10/08/2003 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All   b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/08/2003.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Objections***

1. Claim 3 is objected to because of the following informalities: "the at least on sensor" should read "the at least **one** sensor". Appropriate correction is required.
  
2. Claim 5 is objected to because of the following informalities: "vending" is defined as selling. Examiner suggests amending to read "allocating."

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. "...providing the plurality of cases without connectivity structure connected to any of the plurality of security systems..." is unclear because the Examiner cannot ascertain what "the plurality of cases" is provided.

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5. Claim 5 recites the limitation "the plurality of security systems" in line 6. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2, 4 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacTaggart (US 5236086) in view of Torii (US 5598151).

In reference to Claim 1, MacTaggart discloses a gun  
containment device wherein base with openable lid and interior space met by container 14 with interior cavity 22 and door 24, see Col. 2 lns 17-22; claimed lock met by lock assembly 16, see Col. 2 ln 19. MacTaggart discloses that it is preferred that closure door be equipped with some sort of alarm system.  
MacTaggart does not disclose an alarm sensor, wireless

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transmitter and facility security system. However, Torii teaches of a firearm security system and access lock therefor wherein repository 12 is wired with alarm circuit 26 which communicates with a remote location 36, see Col. 6 lns 30-31, 42-43 and 61-67. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Torii into the system of MacTaggart so that the proper emergency personnel would be notified in the event of firearm removal more quickly.

In reference to Claim 2, see above rejection in reference to Claim 1. In addition, MacTaggart further shows support 14 for firearm insertion, see Fig. 3.

In reference to Claim 4, see above rejection in reference to Claim 1.

In reference to Claim 21, see above rejection in reference to Claim 1.

8. Claims 3, 5-8, 10-12, 13-14 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacTaggart in view of Torii and in further view of Yagesh (US 2004/0113783).

In reference to Claims 3 and 12, MacTaggart and Torii disclose a system for monitoring a plurality of containers over a plurality of security systems. MacTaggart and Torii do not

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disclose a plurality of sensors. However, Starefoss teaches of sensor suite 242 which includes temperature sensor 2422, internal circuit interrupt sensor 2424 and voltage standing wave ration (VSWR) sensor 2426, see para [0054]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Yagesh because utilizing multiple tampering sensors increases the efficiency of proper alarm detection and in case one of the other sensors malfunctioned, alarm detection could still be performed.

In reference to Claim 5, see above rejections in reference to 35 U.S.C. 112 and Claim 1. MacTaggart and Torii disclose a firearm monitoring and alarm system. MacTaggart and Torii do not disclose a plurality of security systems. However, Yagesh teaches of a container integrity management system wherein containers are monitored and governmental and law enforcement agencies are notified of alarm conditions, see paras. [0050-0051]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Yagesh into the system of MacTaggart and Torii because notifying all relevant authorities provides more safety and security. It is also obvious that

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notifying a plurality of agencies constitutes a plurality of security systems.

In reference to Claim 6, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the monitored cases/containers would need means for compatibility in order to properly communicate alarm signals to the plurality of security systems.

In reference to Claims 7-8, see above rejection in reference to Claim 5. In addition, MacTaggart discloses wireless unit with transistor TCS1005, see Col. 8 lns 20-45. It would have been obvious to one having ordinary skill in the art at the time the invention was made that the circuitry include receiving structure, conductors and terminals in order for the electrical components to properly function.

In reference to Claims 10-11, see above rejection in reference to Claims 1 and 6.

In reference to Claims 13-14, see above rejection in reference to Claims 7-8.

In reference to Claim 18, see above rejection in reference to Claim 5.

In reference to Claim 19, Yagesh further teaches of container position intrusion reporting beacon (CPIRB) 306 configured to obtain positional information using GPS, see para.

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[0072]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Yagesh because sending position information of the alarm condition allows authorities to more quickly locate the container and act accordingly.

In reference to Claim 20, see above rejections in reference to Claims 10 and 1.

9. Claim 9 and 15-17 is rejected under 35 U.S.C. 103(a) as being unpatentable over MacTaggart in view of Torii in view of Yagesh and in further view of Starefoss (US 5227776).

In reference to Claims 9 and 15, MacTaggart, Torii and Yagesh disclose a system for monitoring a plurality of containers over a plurality of security systems. MacTaggart, Torii and Yagesh do not disclose an interface card. However, Starefoss teaches of a combined alarm, security and rescue system wherein a central operator station communicates with electronic input/output devices using interface cards, see Col. 4 lns 17-25. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Starefoss into the combined system to permit two-way communication and control.

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In reference to Claim 16, Examiner takes Official Notice that both the concept and advantages of Ethernet cards are known and expected in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use an Ethernet card because it is a functionally equivalent and readily available component.

In reference to Claim 17, Examiner takes Official Notice that both the concept and advantages of cellular telecommunications cards are known and expected in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use an cellular telecommunications card because it is a functionally equivalent and readily available component.

#### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Parish (US 5525966) discloses an electronic security system for weapons. Rouse (US 5111755) discloses a safe gun storage apparatus. Savastano (US 6400269) discloses a firearm alarm.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel J.

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Walk whose telephone number is (571) 272-2960. The examiner can normally be reached on M-F: 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SJW

*Thomas J. Mullen, Jr.*  
Thomas J. Mullen, Jr.  
Primary Examiner  
Art Unit 2632

*8-22-05*